

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

I. STATUS OF THE CLAIMS

Claims 1-7 are amended herein.

In view of the above, it is respectfully submitted that claims 1-10 are currently pending and under consideration.

II. DRAWING OBJECTION

In item 1 on page 2 of the Office Action, the drawings are objected to. The specification is amended herein to add the reference character "S401" in the description in compliance with 37 C.F.R. 1.21(b).

In view of the above, it is respectfully submitted that the objection is overcome.

III. REJECTION OF CLAIMS 1-3 UNDER 35 U.S.C. § 101

In item 2 on pages 2 et. seq. of the Office Action, claims 1-3 are rejected under 35 U.S.C. § 101.

More particularly, the Examiner explains at page 3 that basis of the rejection is a two-prong test of:

whether the invention is within the technological arts; and
whether the invention produces a useful, concrete, and tangible result.

At page 5 of the Action, the Examiner concludes:

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 1-3 are deemed to be directed to non-statutory subject matter. (Emphasis added)

Accordingly, the rejection under §101 is based solely on the claims allegedly, as a whole, not being "within the technological arts...."

This ground of rejection has been withdrawn in accordance with *Ex parte Lundgren*, Appeal No. 2003-2088 (Precedential BPAI Opinion September 2005) cited in the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" at page 45.

Per our discussion with the Examiner regarding the above, the Examiner agreed that the §101 rejection will be withdrawn and that we may merely cite the foregoing basis for same.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. REJECTION OF CLAIMS 1, 2, 4, 5, 7, 8, AND 10 UNDER 35 U.S.C. § 102(E) AS BEING ANTICIPATED BY BARNI ET AL. (US 6,064,981)

The present invention as recited in claims 1, 4, and 7 (as amended herein) relates to a price information mediating process comprising "selectively sending said desired purchasing price to said product supplier when the desired purchasing price presented by said user matches a condition about the selling price presented by the product supplier, while selectively sending product information to said user when a new product satisfying the desired purchasing price is offered by an arbitrary product supplier."

Thus, in the present invention, the desired purchasing price presented by a user is entered and stored in the server for a certain period of time even if the current auction session is unsuccessful. The server transmits the desired purchasing price registered by the user only to those product suppliers who satisfy the condition (see page 9, lines 25-34 of the Applicant's specification). When the product supplier updates the selling price, the server retrieves the entries and transmits the updated information only to those users satisfying the updated selling price (see page 11, line 30 through page 12, line 5 of the Applicant's specification).

Barni relates to the transportation of cargo by land, sea or air. More particularly, Barni relates to an online auction method and system whereby users of online systems, namely, customers, freight forwarders and carriers, may negotiate cargo rates with each other in an online, anonymous manner. In addition, an online system at which freight forwarders and carriers may post published rate and discount information for land, sea and air bearing cargo vessels to allow customers the opportunity to evaluate competitive prices, preferably in one consolidated location (e.g., a web site).

However, Barni is different from the present invention because Barni teaches that a customer's desired purchasing price is transmitted equally to all the freight companies participating in the auction. Barni does not teach or suggest that the server determines and selects appropriate product suppliers to whom the user's desired purchasing price is to be presented.

In the present invention, a desired purchasing price is selectively sent to the product supplier when the desired purchasing price presented by the user matches a condition about the selling price presented by the product supplier (see claims 1, 4, and 7). Barni does not teach the features as recited in claims 1, 4, and 7 of the present invention.

Claims 2 and 5 (as amended herein) relate to a price information mediating process comprising “comparing the desired purchasing price with the allowable discount selling price and selectively sending said desired purchasing price to said product supplier if said desired purchase price is greater than said allowable discount selling price.” Barni fails to teach or suggest the features as recited in claims 2 and 5 of the present invention.

Claims 8 and 10 depend from claim 7 and distinguish over the cited prior art for at least the same reasons as claim 7.

In view of the above, it is respectfully submitted that the rejection is overcome.

V. REJECTION OF CLAIMS 3, 6, AND 9 UNDER 35 U.S.C. § 103(A) AS BEING UNPATENTABLE OVER BARNI IN VIEW OF YAMAJI ET AL. (USPN 2002/0010611)

The present invention as recited in claim 3 (as amended herein) relates to a price information mediating process comprising “selectively reporting the updated selling price to said user in case where said updated selling price takes a value less than said desired purchasing price stored in said second storage means.”

Yamaji teaches an order taking apparatus. The Examiner points out that Yamaji teaches an automatic notification feature which is executed when a discount rate changes by a predetermined value or more.

However, Yamaji differs from the present invention because Yamaji teaches that the updated information is automatically transmitted to all the registered users.

By contrast, the present invention teaches that the updated selling price is selectively reported to only those users where the updated selling price takes a value less than the stored desired purchasing price. Therefore, Yamaji does not teach the features as recited in claim 3 of the present invention.

Like claim 3, claim 6 recites the feature of “selectively reporting the updated selling price to said user in a case where said updated selling price takes a value less than said desired purchasing price stored in said second storage means” and thus, distinguishes over the cited prior art.

It is pointed out in section IV above that claim 7, from which claim 9 depends, distinguishes over the cited prior art. Thus, claim 9 distinguishes over the cited prior art for at least the same reasons as claim 7.

In view of the above, it is respectfully submitted that the rejection is overcome.

VI. CONCLUSION

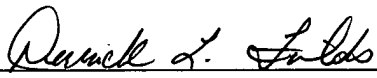
In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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